

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

| | |
|---|--|
| In Re: JAMIESON CAPEX FUND, LLC, Debtor. | Bankruptcy No.: 24-30422 Chapter 11 |
| JAMIESON CAPEX FUND, LLC, Plaintiff, vs. TIMOTHY KARSKY, in his official capacity as the Securities Commissioner of North Dakota Department of Securities, and THE STATE OF NORTH DAKOTA, Defendants. | Adversary No. 24-07030 |

MOTION TO AMEND ANSWER

Timothy Karsky, in his official capacity as the Securities Commissioner of the North Dakota Department of Securities ("Commissioner Karsky") and the State of North Dakota ("North Dakota") (collectively "Defendants") by and through the undersigned counsel submit this motion to amend their answer, pursuant to Fed. R. Bank. P. 7015 and Fed. R. Civ. P. 15(a)(2).

The Court should grant the Defendants' motion to amend the pleadings because justice so requires. "Rule 15 F.R.Civ.P. applies in adversary proceedings." Fed. R. Bank. P. 7015. "[A] party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). "The court should freely give leave when justice so requires."

Pursuant to the Scheduling and Discovery Order, the "parties shall have until 2/28/2025 to move to join additional parties and/or to move to amend pleadings to add claims or defenses, including claims for exemplary damages." Doc. 9 at 2. Defendants are seeking to amend the answer

to add affirmative defenses due to the Scheduling and Discovery Order. Defendants seek to add additional affirmative defenses to the answer. See Exhibit 1.

NOTICE

You are hereby notified that the Defendants have made a Motion to Amend Answer in this adversary action, a copy of which is being served upon you. Any objection to that motion must be filed with the Clerk of Bankruptcy Court, whose address is 655 1st Avenue North, Suite 210, Fargo ND 58102-4932, and served upon the Defendants not later than 14 days from this date. If you fail to object within this timeframe, the Court may assume that you do not oppose this Motion and will act on it accordingly. If a hearing on the motion is scheduled, you will be provided notice.

Dated: February 28, 2024

/s/Berly D. Nelson

Berly D. Nelson (ND #05903)

Ana A. Neir (ND #09142)

Special Assistant Attorney Generals

10 Roberts Street North

Fargo, ND 58102-4982

Phone: 701.232.8957

Fax: 701.237.4049

bnelson@serklandlaw.com

aneir@serklandlaw.com

***Attorneys for the Commissioner of the
North Dakota Securities Department
and the State of North Dakota***

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on February 28, 2025, the undersigned electronically filed this document with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Maurice VerStandig
mac@dakotabankruptcy.com

Dated: February 28, 2024

/s/Berly D. Nelson

Berly D. Nelson (ND #05903)

Ana A. Neir (ND #09142)

Special Assistant Attorney Generals

10 Roberts Street North

Fargo, ND 58102-4982

Phone: 701.232.8957

Fax: 701.237.4049

bnelson@serklandlaw.com

aneir@serklandlaw.com

***Attorneys for the Commissioner of the
North Dakota Securities Department
and the State of North Dakota***